

1 STATE OF ILLINOIS)  
2 ) SS:  
2 COUNTY OF L A K E)

3  
4 IN THE CIRCUIT COURT FOR THE NINETEENTH  
4 JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

5  
6 SARINA ERVIN, )  
7 Plaintiff, )  
8 vs. ) No. 04 D 1943  
9 )  
10 RAYMOND ERVIN and GWENDOLYN BARLOW, )  
10 et al., )  
11 Defendants. )  
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13 REPORT OF PROCEEDINGS had in the matter of  
14 the above-entitled case, before the HONORABLE STACEY  
15 SENECKO, Judge of said Court, at 18 North County Street,  
16 Waukegan, Illinois, commencing on the November 29, 2018  
17 A.D., at the hour of 1:30 p.m.

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Reported by Susan L. Bruesch, CSR

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1           A P P E A R A N C E S:

2           RAYMOND BOLDT, ATTORNEY AT LAW  
2           209 E. Park Street  
3           Mundelein, IL 60060  
3           847-566-3410  
4           BY: MR. RAYMOND BOLDT

5           Appeared on behalf of Gwen Barlow,  
6           the Plaintiff.

7           BEERMANN, LLP  
8           2275 Half Day Road  
9           Suite 350  
9           Bannockburn, IL 60015  
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10          jsteele@beermannlaw.com  
10          BY: MR. JONATHAN D. STEELE

11          Appeared on behalf of Beermann, LLP,  
12          involved party.

13  
14          MICHAEL NERHEIM  
14          LAKE COUNTY STATE'S ATTORNEY  
15          18 N. County Street  
15          Waukegan, IL 60085-4363  
16          847-377-3000  
16          BY: MS. LISLE STALTER

17          Appeared on behalf of the State's Attorney's  
18          Office.

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1 MR. BOLDT: Good afternoon, Judge.

2 THE COURT: Good afternoon,  
3 everyone.

4 MR. STEELE: Jonathan Steele from  
5 Beermann.

6 MR. BOLDT: Raymond Boldt. I  
7 represent Gwen Barlow, the third-party citation  
8 respondent, Judge.

9 MR. STEELE: Judge, you asked us to  
10 give notice to the State the last time we were  
11 here so there is an attorney from the State. I  
12 don't know if you want her to step up.

13 THE COURT: Why don't you come to  
14 the bench.

15 MS. STALTER: Good afternoon, your  
16 Honor. Lisle Stalter on behalf of the State's  
17 Attorney's Office.

18 THE COURT: All right. Thank you.  
19 And then my understanding is we're here for a  
20 continued citation; is that correct?

21 MR. BOLDT: Correct, Judge.

22 THE COURT: All right. Were there  
23 supposed to be additional documents that were  
24 delivered prior to today's date?

1 MR. STEELE: The documents were due  
2 November 14 which would have been seven months  
3 after she got the rider in the first place and  
4 she delivered nothing so I noticed up for today  
5 a petition for rule to show cause seeking a  
6 contempt finding against Barlow and then  
7 Mr. Boldt today hands me what purports to be a  
8 response. I have a number of issues with it.

I would rather be under oath  
for one after the first citation examination  
that I had with her which seemed to be less  
than truthful. There's a number of redactions  
on the few bank statements that are in here,  
specifically, all deposits into this account  
are redacted as to their source and it's a  
joint account with the debtor so I think I'm  
entitled to know the source of those deposits.

18                             This is going to sound in a  
19                             vacuum, but I asked for ten years of bank  
20                             statements, and the reason is this arrearage  
21                             and support goes back almost 20 years so I was  
22                             trying to see what kind of financial transfers  
23                             have gone back and forth between husband and  
24                             wife, and I get the first page of a checking

1 account statement for about six months so where  
2 the rest of the page is, why are they redacted,  
3 where are the rest of the statements.

4 I asked for tax returns and the  
5 answer is there are none because there's  
6 currently an investigation by the IRS. I don't  
7 know that those two things are in conflict with  
8 each another. I think you can be under  
9 investigation and still have tax returns and I  
10 just got this stuff today so I would like the  
11 rest of what I think is properly tendered, and  
12 if she doesn't have it today then I guess we  
13 can't continue the citation exam today, but I'd  
14 like a rule to issue on the petition that I  
15 filed because the stuff was due weeks ago, not  
16 thanks for filing a contempt petition, here's a  
17 half answer.

18 THE COURT: I haven't seen the  
19 petition. When did you file it?

20 MR. STEELE: We submitted it for  
21 filing yesterday.

22 MR. BOLDT: Yes, Judge.

23 MR. STEELE: Here's a copy of it  
24 showing we submitted it for filing yesterday.

1                   THE COURT: I take it then Mr. Boldt  
2 didn't receive it until yesterday as well?

3                   MR. STEELE: That's correct.

4                   MR. BOLDT: About 4 p.m., Judge.

5                   THE COURT: Mr. Boldt, do you have  
6 something you'd like to say?

7                   MR. BOLDT: Just by the fact of  
8 emailing it to me yesterday and it's only set  
9 for presentation, first of all, I believe the  
10 rule indicates that its service isn't effective  
11 until today because he emailed it to me  
12 yesterday at about 4:00 o'clock so the service  
13 date is actually today which means that it was  
14 just as if he handed it up today.

15                  I guess -- I don't want to rule  
16 the issue because notice is not proper. It  
17 just isn't.

18                  THE COURT: So what about the  
19 substance of that?

20                  MR. BOLDT: I received that this  
21 morning from my client. It's dated the 28th.  
22 I talked to my client and advised her that she  
23 needed to provide me the documents and that she  
24 had promised them to me on the 14th. She

1 tendered that to me this morning via email and  
2 I tendered it to counsel.

3 THE COURT: Just for what he's  
4 saying, I haven't read the motion or petition,  
5 rather, it sounds like he concerned about the  
6 documents that were redacted or were not  
7 provided.

8 MR. BOLDT: Well, Judge, I only got  
9 the documents that I handed to him when we  
10 walked into court this morning and the motion  
11 or the petition for indirect civil contempt  
12 does not address any of those things, they  
13 addressed his concerns that he placed before  
14 the Court on the last occasion when we went in  
15 the room for the citation.

16 So if counsel wants to address  
17 those issues on another date and come back, I  
18 guess we can. I would want time to respond to  
19 the motion as to what's going on.

20 THE COURT: So, again, I haven't had  
21 the benefit of reading it. Does this petition  
22 include your concerns regarding the inadequacy  
23 of the response that he provided? I assume not  
24 because you just got it.

1                   MR. STEELE: I got it today so that  
2 petition says you didn't give me anything and  
3 you were ordered to by November 14.

4                   THE COURT: So what I propose that  
5 we do is if you want to file some type of a  
6 written motion relative to the insufficiency or  
7 other inadequacies of the response and provide  
8 Mr. Boldt an opportunity to respond to that as  
9 well as the petition for rule to show cause,  
10 but I haven't seen anything. I'm not really  
11 prepared to rule.

12                  MR. STEELE: Understood.

13                  THE COURT: So you'll be able to, I  
14 assume, work out an agreement.

15                  MR. STEELE: Sure.

16                  THE COURT: Give you a chance to  
17 reply to his responses.

18                  MR. STEELE: Can I just ask a matter  
19 of procedure in your courtroom? If in a normal  
20 case where somebody's asked to produce  
21 documents and they show up and they don't and  
22 they produce some and not others, do you  
23 require it in a motion from the person seeking  
24 the documents normally or is it because this

1 case is a little more?

2 THE COURT: From what I -- this case  
3 seems to be anything but normal.

4 MR. STEELE: Right.

5 THE COURT: But from what you're  
6 telling me, and I don't have the benefit of  
7 knowing what he produced to you or even the  
8 subpoena that was served, I don't have that  
9 information in front of me now nor was I  
10 provided the opportunity to review it prior to  
11 the Court today.

12 It sounds like you're  
13 disputing, like I said, that the redaction of  
14 information and the failure to produce certain  
15 returns and so forth and I wouldn't rule on  
16 that without you, you know, giving me  
17 information beyond you just tell me and having  
18 afforded counsel the opportunity to respond to  
19 those arguments.

20 MR. STEELE: Sure. Just by way of  
21 example, here's one page of a checking account  
22 statement that shows deposits and they're  
23 redacted as to the source. So I'm not sure  
24 what authority there is to redact those, and if

1       you'll see in the top joint account with  
2       Mr. Ervin, I don't know if Mr. Boldt has a  
3       response that he thinks that's appropriate.

4                   If you want me to put a motion  
5       in writing, I can. I'm trying to streamline  
6       the work that I'm doing.

7                   THE COURT: Sure. What you're  
8       tendering me, you know, in a vacuum sounds  
9       reasonable what you're saying, but I don't know  
10      enough to make that statement and I don't know  
11      if the two of you have communicated in terms of  
12      the 201(k) conference to try to resolve your  
13      objections to the responses to see if you might  
14      reach some common ground. So I want to afford  
15      you the opportunity to do that and afford me  
16      the opportunity to have advanced notice of the  
17      documents and arguments so that we can all  
18      discuss it intelligently.

19                  MR. STEELE: Okay.

20                  THE COURT: And I can't do that  
21      today without having any of that information.

22                  MR. STEELE: I certainly understand  
23      that quandary the Court is in because I'm in a  
24      similar one when I was just handed this today.

1       Perhaps the State doesn't need to come back. I  
2       think she can speak for herself about what  
3       their interest is but that's why you wanted us  
4       to give notice.

5                     THE COURT: That's why I asked you  
6       to step up.

7                     MS. STALTER: That's fine. So the  
8       Department of Health Care and Family Services  
9       is our clients in the matter and they're the  
10      ones that refer to the specific action to the  
11      State's Attorney's Office to partake in. They  
12      did that a little over a year ago. We filed a  
13      petition to intervene. Our petition for  
14      setting arrearages was denied. We've advised  
15      our client of that.

16                   They have not requested any  
17      additional action on behalf of them at this  
18      point in time. So until they ask us to take  
19      additional action, I don't know if we're needed  
20      to be involved in the proceedings.

21                   THE COURT: But, Mr. Boldt, didn't  
22      you submit something last time?

23                   MR. BOLDT: Yes, Judge, and I  
24      brought the documents. They're permitted to

1           intervene.

2                           THE COURT: That I do recall. I  
3                           thought you showed us --

4                           MR. BOLDT: There is a notice sent  
5                           as an attachment to the supplement I provided  
6                           to the Court that showed that the Illinois  
7                           Department of Health Care and Family Services  
8                           had sent a notice to Mr. Ervin who emailed it  
9                           to me showing that the Illinois Department of  
10                          Health Care and Family Services are involved  
11                          and are seeking approximately a quarter of a  
12                          million dollars from him.

13                          This note was dated and  
14                          attached to my documents. I'll send  
15                          Ms. Stalter a copy. It was Exhibit A. That  
16                          was sent to my client and was presented to this  
17                          Court as part of my supplement when I  
18                          questioned the idea of Mr. Steele and his  
19                          client pursuing money from 2000 for moneys due  
20                          and owing Ms. Ervin because if you look at --  
21                          and I can leave those with the Court --  
22                          Ms. Stalter on behalf of the State's Attorney  
23                          in July or, no, May of 2017 filed a verified  
24                          petition indicating that moneys up until 2006

1                   belonged to the province of Ontario, Canada  
2                   by way of a certified petition in paragraph 8.

3                   You can keep all these, Judge.  
4                   They're all yours, if you wish. And when you  
5                   look at Mr. Steele's documents and his response  
6                   and his calculations and so forth, his  
7                   Exhibit A starts in August of 2000.

8                   So it appears to me as I was  
9                   trying to explain to the Court on the last  
10                  occasion that both Mr. Steele and the Illinois  
11                  Department of Health Care and Family Services  
12                  are seeking money for the same period of time.

13                  THE COURT: But it may not be the  
14                  same money.

15                  MR. BOLDT: But it is, Judge,  
16                  because when we look at his calculations and  
17                  his attachments, that's what it is. It's the  
18                  child support money that he calculated out and  
19                  put together that document.

20                  MR. STEELE: It sounds like he wants  
21                  the State to pursue money that they're saying  
22                  they're not pursuing. I think there's one  
23                  person pursuing --

24                  MR. BOLDT: But they are pursuing

1                   it. I attached that document. I'm sorry.

2                   THE COURT: Let's hear from the  
3 State.

4                   MS. STALTER: By statute Mr. Boldt  
5 is fully aware of this. The State has the  
6 ability to pursue administrative processes to  
7 collect moneys that are due in child support  
8 enforcement matters. Our office isn't involved  
9 in the administrative process. Mr. Boldt  
10 complaining about having last minute notice on  
11 a citation, he hands me this in Court and has  
12 responded.

13                  MR. BOLDT: No.

14                  MS. STALTER: This was a document  
15 that was filed in early October, has not filed  
16 a motion against the State, just here, State,  
17 handing it to me and saying, respond, this is  
18 unfair. I can't -- at this point in time.

19                  However, I will indicate that  
20 Mr. Boldt is fully aware that the State does  
21 have authority to pursue administrative moneys  
22 due administratively. The State's Attorney's  
23 Office is not involved in that process. That  
24 is totally the administrative process permitted

1 by statute.

2 THE COURT: Okay. So if I  
3 understand what you're saying is that most  
4 recent correspondence that was sent, what,  
5 October, is it?

6 MR. BOLDT: I didn't send --

7 THE COURT: Not from you. I'm  
8 sorry. That was sent from the Department of  
9 Health Care.

10 MS. STALTER: He filed this in  
11 October. I have not seen this --

12 THE COURT: I know that.

13 MS. STALTER: -- until this morning  
14 and it was dated September 28.

15 MR. BOLDT: And received by me from  
16 Mr. Ervin a few days before I filed that  
17 response, Judge.

18 THE COURT: Right.

19 MR. BOLDT: And I know that the  
20 State can pursue it administratively. I'm just  
21 trying to figure out who's owed what amount of  
22 money. If the State can -- whether the State's  
23 Attorney's involved or not, it appears the  
24 State of Illinois is involved and asking for

1 money based on prior pleadings from '98 to  
2 2016. They withdraw their motion to determine  
3 arrearage and it was done at the request of the  
4 State's Attorney and it was done without  
5 prejudice. All I'm pointing out to the Court  
6 is that it appears that the money that  
7 Mr. Steele is pursuing pursuant to his  
8 documents and the administrative documents  
9 along with that in May of 2017, they overlap.

10 THE COURT: And I don't know whether  
11 they do or not, but I did see that the State  
12 had intervened previously and I guess I wanted  
13 to keep you in the loop --

14 MS. STALTER: Right.

15 THE COURT: -- in terms of this.

16 MS. STALTER: And that I understand  
17 and I don't mind getting notice. Right now  
18 notices do go to Ms. Curren. She's no longer  
19 in the office. I'm the one in the office that  
20 supervises child support. So any notices can  
21 come to me directly.

22 THE COURT: Okay.

23 MS. STALTER: I don't mind receiving  
24 notes so that we're aware of what's going on.

1 So if something does come up that our office is  
2 involved in or Mr. Boldt wants some type of  
3 accounting properly, not this kind of  
4 setting --

5 THE COURT: I appreciate that.

6 MS. STALTER: -- so that is fine to  
7 keep me in the loop so that if something comes  
8 up or if HFS decides to send us something to  
9 take further action on, we at least know what's  
10 happening with the rest of the case.

11 At this point in time the  
12 arrearages about the petition to intervene was  
13 denied and that was the last action that was  
14 requested from our office in this matter. The  
15 client hasn't requested any further action at  
16 the point in time. It looks like they've been  
17 attempting to pursue the moneys through the  
18 administrative processes which they have the  
19 statutory right to do.

20 THE COURT: Okay.

21 MR. BOLDT: Just so we're clear,  
22 Judge, the only reason I brought it up is  
23 because, again, Mr. Ervin contacted me and  
24 indicated that they are pursuing I believe

1 social security benefits as of either  
2 December 1 or perhaps November 1. I'm not  
3 sure. He's not my client, Ms. Barlow is. And  
4 the documents are being emailed to me, and all  
5 I'm trying to do is bring to the Court's  
6 attention what appears to possibly be a  
7 conflict. I'm not pointing fingers at anybody.  
8 I'm not, Judge.

9 THE COURT: And so what I understand  
10 a possible conflict, and that's a little bit  
11 beyond, again, what we're here for today, I  
12 just wanted the State to be aware that this  
13 proceeding was ongoing and then if you choose  
14 or don't choose to participate, at least you're  
15 now aware of it.

16 MS. STALTER: Right.

17 THE COURT: But as of today we had  
18 the continued citation, it looks like it's not  
19 going to go forward because we have alleged  
20 inadequate documentation and so I want to  
21 afford counsel the opportunity to see if you  
22 might resolve that, boil down what exactly this  
23 is you're disputing about, file the motion in  
24 that regard, respond, reply, courtesy copies to

1       me so I can make an informed ruling. So -- but  
2       this has been --

3                    MR. BOLDT: Thank you.

4                    THE COURT: Even though I have not  
5       been involved since the beginning, I can tell  
6       that this has dragged on longer than it should  
7       so I think we can have an abbreviated briefing  
8       schedule if the parties are agreeable to that.

9                    MR. STEELE: I certainly am and I  
10      will file the motion that you're requesting.

11                  THE COURT: But including that that  
12      you've spoken to him. So, obviously, speak  
13      with him.

14                  MR. STEELE: Sure.

15                  THE COURT: And see if he might say  
16      you're right of not -- you know, redact the  
17      deposits, I agree with you and whatever.

18                  MR. STEELE: With respect to the  
19      petition that's noticed up today, I understand  
20      you didn't have advanced copy so you can't  
21      issue a rule on it necessarily. Aside from  
22      possibly having won a bet with Ms. Stalter that  
23      there be no objection with Mr. Boldt despite  
24      how many times Mr. Boldt has emailed me on

1 motions and I've said no objection to notice,  
2 perhaps for judicial economy since you're not  
3 going to issue a rule on it, can I take the  
4 time to respond to it and we can address it on  
5 the next court date?

6 THE COURT: I would like a  
7 corresponding briefing schedule on this. We  
8 can address the next on the Court date,  
9 absolutely.

10 MR. BOLDT: I will respond to that  
11 motion.

12 THE COURT: So because of the  
13 objection to the notice and because I didn't  
14 receive it, I'm not going to rule on it, but I  
15 don't think that precludes me from entering the  
16 briefing scheduling and that's what I'm going  
17 to do.

18 I need you to get -- if you  
19 want to see if you can work out a schedule then  
20 I think you're probably excused.

21 MS. STALTER: Just a point of  
22 clarification. Mr. Boldt doesn't represent  
23 Mr. Ervin anymore in this matter. You  
24 represent Ms. Barlow?

1 MR. BOLDT: Correct.

2 MS. STALTER: I was not aware of  
3 that.

4 MR. STEELE: He also said the HFS  
5 notice was sent to his client which probably  
6 further confused everybody.

7 MR. BOLDT: No, it was sent to me.  
8 I stood in front of, Judge Seneczko the last  
9 time when I remarked my client said she doesn't  
10 get mail of Raymond Ervin and how did she get  
11 this and I said Mr. Ervin sent it to me.

12 MR. STEELE: But today you said my  
13 client sent me this.

14 MR. BOLDT: Oh. I misspoke.

15 MS. STALTER: Thank you. I  
16 appreciate it.

17 THE COURT: All right. So hopefully  
18 you can work that out, and be sure to update  
19 your service list so it has the appropriate  
20 State's Attorney list.

21 MR. BOLDT: I know it's  
22 Mrs. Stalter. That's who I called because I  
23 didn't get it out.

24

1                   THE COURT: Whoever got the notice.

2                   MR. STEELE: We sent it.

3                   THE COURT: That's fine.

4                   (Which were all the proceedings  
5                   had in the above-entitled  
6                   matter.)

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1 STATE OF ILLINOIS)  
2 ) SS:  
3 COUNTY OF L A K E)

4 I, SUSAN L. BRUESCH, a notary public  
5 within and for the County of Lake and State of Illinois,  
6 do hereby certify that I am a Certified Shorthand  
7 Reporter doing business in the County of Lake and State  
8 of Illinois; that I reported the foregoing proceedings  
9 by means of machine shorthand and that the foregoing is  
10 a true and correct transcript of my shorthand notes  
11 taken to the best of my ability as aforesaid.

12 I further certify that the reading and  
13 signing of said proceedings was waived by the witness  
14 and witness' counsel.

15 I further certify that the taking of  
16 these proceedings was pursuant to notice and that there  
17 were present at the taking of these proceedings counsel  
18 on behalf of the plaintiff and counsel on behalf of the  
19 defendant.

20 I further certify that I am not counsel  
21 for, nor in any way related to any of the parties to  
22 this suit, nor am I in any way interested in the outcome  
23 thereof.

24

1                   In testimony whereof I have hereunto set  
2 my hand and affixed my notarial seal this 11th day of  
3 December, 2018, A.D.

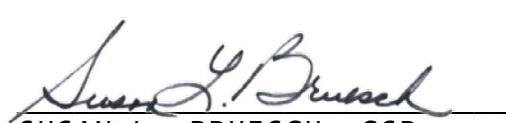
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9 SUSAN L. BRUESCH, CSR  
10 Notary Public, Lake County, IL  
CSR License No. 084-003663

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